

**PLANNING COMMISSION  
REGULAR MEETING October 6, 2014**

Anthony Whelan, Chairman, opened the meeting at 6:00 P.M. with the following in attendance:

**MEMBERS:**

Anthony Whelan, Chair  
Robert Pease, Vice-Chair  
Harry Jancis  
Ray Krzykowski  
Robert Urbano, Alternate, Absent  
Robert Clark, Alternate  
Dave Sletner, Alternate

**OTHERS:**

Public: 1  
Wayne Zirolli, Borough Engineer  
Sue Goggin, Secretary

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum. He appointed Robert Clark a regular voting member.
2. Executive session with Borough Attorney.

There was no executive session.

3. Review /Approval of the September 8, 2014 Regular Meeting Minutes.

**VOTED:** Unanimously on a motion by Robert Clark and seconded by Robert Pease to **APPROVE** the September 8, 2014 Regular Meeting Minutes as written.

**4. OLD BUSINESS:**

- A. Commission discussion to call the bond for D'Archangelo Estates.

Wayne Zirolli stated Sue Goggin and he inspected the site. He said he went back this afternoon and met with Mr. Yagan. Mr. Zirolli said there is still some trash and rubbish that needs to be removed along the roadway and chain link fence. He said there are areas of brush along the roadway that need to be cleared. He stated 5 trees were planted and 5 more still need to be. He noted there was a crew there today clearing the detention basin. He said the missing stop sign at the intersection will be replaced by the police traffic division. Mr. Zirolli stated that while there is still work that needs to be done, it looks a lot better and his recommendation is to accept D'Archangelo Drive and release the bond, except for the normal retainage held by the Planning Commission. He noted the road has been in place for about 5 years or so and is in good condition. Harry Jancis wanted to make sure the road could be plowed this winter. Mr. Zirolli said that it could be. There was a discussion over the snow plowing and the removal of the concrete barriers at the end of the street. Mr. Zirolli said that Mr. Stewart would like to keep the road closed off, and Mr. Yagan would also like to keep them in place to help prevent people from dumping. Mr. Yagan estimated about 2 days left of work to be done. He said he will be replacing trees to the development. He also discussed the

amount of the bond to remain. Robert Pease noted that the regulations require the Commission to hold 10% until a year after the acceptance of the road.

**Public Comment:**

Emma Newson, D'Archangelo Drive, stated she would like the town to accept the street and noted that the trash that was on the street was existing and dumped over the guardrails by Mr. Yagan's crew.

Tony Whelan asked if two more barriers could be placed on the road to prohibit people from dumping. Wayne Zirolli said he felt that could be done. Mr. Yagan felt the entire bond should be released. Mr. Yagan stated that at the last meeting a deal was made that stated once he finished the required work his entire bond would be released.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Bob Pease to recommend to the Borough Board the acceptance of D'Archangelo Drive.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Bob Pease to RELEASE the bond money for D'Archangelo Estates with the exception of \$5,200.00 until discussion with the Borough Attorney.

## **5. NEW BUSINESS**

- A. Commission discussion/decision regarding a referral from the Zoning Commission for a special permit for earth excavation of 1900 +/- cubic yards of material at 527 North Main Street; Applicant: Cumberland Farms

Attorney Thomas, 315 Main Street Derby CT, stated he was before the Commission last month for a zone change and special permit. He explained that an earth excavation special permit is required. He noted the Commission has already approved the previous applications. Mr. Thomas stated that Sue Goggin received the contract for the purchase of the adjacent property. He said he did not bring the engineer with him tonight, but that Sue has seen the plans. Mrs. Goggin stated the Zoning Commission will be looking at the truck traffic. Harry Jancis said the concern is the number of trucks, the route they will take and the hours they will be working. He questioned the hours for the earth removal. Attorney Thomas said it would be the same hours as the construction, 7:00am to 4:00pm, but will be subject to Zoning, who will set the appropriate hours. He noted there will be no processing on site. He said they will be closed for approximately 3 months, with no business operation. There was a discussion on the amount of truck loads and trips in and out of site. There was a discussion over the amount that is being excavated.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Bob Pease to send a **POSITIVE REFERRAL** to the Zoning Commission for a special permit for Cumberland Farms to excavate more than 1,000 cubic yards.

- B. Commission discussion/decision regarding a request to release the bond for Pond View Estates Subdivision.

Wayne Zirolli stated all the work has been completed. The driveway repairs have been made, street trees have been planted and monuments have been set. Sue Goggin and he were out there today. He noted the street trees on Donovan Road were waived, because of the existing woods. Mr. Zirolli had requested a joint seal on the paved road way, and Mr. Pereira has agreed to a hot seal and has a contract to do so. Mr. Zirolli is recommending releasing the bond in either its entirety or retaining the 10% to cover that contract for the sealing.

**VOTED:** Unanimously on a motion by Bob Clark and seconded by Bob Pease to **RELEASE** \$14,400.00 of the remaining bond for Pond View Estates Subdivision and retain \$1,600.00.

- C. All new items will require a 2/3 vote.

There were no new items.

#### **6. ADJOURNMENT**

Bob Pease requested that Attorney Fitzpatrick attend the next meeting for the discussion of D'Arcangelo.

Tony Whelan mentioned they met with FHI on Thursday at Bob Pease's request that they send information to them as soon as they receive it, not wait until the end of the month so they get a chance to review it.

**VOTED:** Unanimously on a motion by Bob Pease and seconded by Ray Krzykowski to adjourn the meeting at 7:06 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/rp